

ATTACHMENT # 2

_____ County METHYL BROMIDE FIELD FUMIGATION INFORMATION

(DOES NOT APPLY TO GOLF COURSES, RAISED-TARPAULIN NURSERY FUMIGATIONS OF LESS THAN ONE ACRE, GREENHOUSES OR OTHER SIMILAR STRUCTURES, TREE HOLES, POTTING SOIL, OR COMMODITY FUMIGATION USE)

The state of California has passed new regulations governing the use of methyl bromide as a field fumigant. These regulations are available at www.cdpr.ca.gov, or by request at the County Agricultural Commissioner's Office. The County has adopted the buffer zone requirements (Tables 1-5) in the Department of Pesticide Regulation's GUIDANCE MANUAL dated January 14, 2001 as part of the permit conditions. A copy of these tables is available upon request.

The regulations and conditions include requirements for the Pest Control Business and requirements for the Property Operator. The Pest Control Business is responsible for applying the material according to the state regulations and county conditions. The Pest Control Business must consult the regulations to determine how large the buffer will be depending on how much methyl bromide is used and how many acres are fumigated.

THE FOLLOWING IS A SUMMARY OF THE REQUIREMENTS IN THE REGULATIONS AND CONDITIONS FOR WHICH THE PROPERTY OPERATOR IS RESPONSIBLE:

INITIAL NOTIFICATION: The operator of the property must assure that initial notification is given to operators of nearby properties. The County is providing the form to be used for the initial notification (attached). The operators of nearby properties must be notified if any part of their property lies within 300 feet of the outer buffer zone and there is a school, residence, hospital, convalescent home, onsite employee housing, or other similar structure anywhere on the property. This initial notification must be made at least seven (7) days before the notice of intent is submitted to the Commissioner. This makes the notification required at least nine (9) days before the application. If initial notification is not made nine days before the application to all of the property operators required to be notified, the application will be delayed until the property operators are properly notified and nine days have passed from the day of notification. The Commissioner can not grant a waiver of this requirement, so it is imperative that all initial

notifications are made within the required time period. The operator is encouraged to give this notification to nearby property operators as far in advance as possible (2-3 months or more). This will allow time for the Commissioner to review the proposed application if any of the nearby property operators request a review. To determine which properties lie within 300 feet of the outer buffer zone, the operator can use the size of the largest block to be fumigated and contact the Pest Control Business to have the outer buffer calculated for this block. There is a chart provided on the worksite plan attachment for this calculation. The operator must keep a record of the notifications on the log provided by the County (attached), and make them available for inspection.

SPECIFIC NOTIFICATION: The operator of the property must assure that specific notification is given to anyone who was included in the initial notification who requested the specific notification (even if their property is not within 300 feet of the outer buffer zone). The specific notification must include the date and time of the start of the fumigation and the anticipated time that the buffer zones will expire. This specific notification must be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific notification must be provided before starting the fumigation, but the 48 hour requirement will not apply.

WORKSITE PLAN: The operator of the property is required to complete and submit a proposed worksite plan to the Commissioner. The commissioner will evaluate the worksite plan and local conditions, then condition and issue the permit.

NOTICE OF INTENT (NOI): The operator of the property must assure that the Commissioner is notified (notice on intent) at least 48 hours prior to commencing fumigation. The operator can have the notice of intent submitted by the Pest Control Business.

BUFFER ZONES: A buffer zone is an area surrounding an application block where certain activities are restricted. The size of the buffer zone depends on the number of acres to be fumigated, the amount of methyl bromide to be applied per acre, the slope of the field, and the presence of any other fumigations in the area. The size of the buffer zone can be determined by asking your operator. The operator of the property must assure that all the buffer zone distances are measured from the edges of the application block. The restrictions in the buffer zone begin at the start of the fumigation and remain in effect for at least 36 hours after the completion of the application.

There are two types of buffer zones for each application, an "Inner Buffer Zone" and an "Outer Buffer Zone".

1. The "INNER BUFFER ZONE" - The inner buffer zone must be a minimum of 50 feet. The operator must assure that no one is allowed in the inner buffer zone except to transit or to assist with the fumigation as a handler.
 - A. The inner buffer zone may extend into adjoining property if all of the following requirements are met:
 - The adjoining property is agricultural.
 - The adjoining property operator gives written permission on the County form.
 - The adjoining property operator allows signs to be posted at the inner buffer zone boundary.
 - B. The operator of the property to be treated must assure that the boundaries are posted with signs while the buffer zone is in effect.
 - The wording on the signs must be clearly visible from 25 feet and contain the words "METHYL BROMIDE INNER BUFFER ZONE", "KEEP OUT", and "NO ENTRE".
 - The signs must be posted at intervals not exceeding 200 feet.
 - C. The inner buffer zone may extend across roads, highways or similar means of travel or sites approved by the commissioner. If this is the case, the above requirements do not apply.
2. The "OUTER BUFFER ZONE" must be a minimum of 60 feet. The operator must assure that no one is allowed in the outer buffer zone except to transit, assist with the fumigation as a handler, or to do activities that have been described on the worksite plan that have been approved by the Commissioner. No one is allowed in the outer buffer zone for more than 12 hours. The outer buffer zone may extend across roads and highways. If school property is within 300 feet of the perimeter of the outer buffer zone, the application must be completed 36 hours before the start of a school session (the time when students are attending scheduled classes). The outer buffer zone may extend into adjoining property if the following requirements are met:
 - The operator of the property to be treated obtains permission from the operator of the adjoining property.
 - The operator of the property to be treated provides specific notification to the operator of the adjoining property. The specific notification must include the date and time of the start of the fumigation and the anticipated time that the buffer zones will expire.
 - The operator of the adjoining property must notify employees who will be working at the site that a buffer zone is in effect on the property. This notice must be given before the employee starts working on the property where the buffer zone is in effect. The notice must be given to employees of the adjoining operator, employees of a pest control business and employees of a farm labor contractor.
 - The outer buffer zone will not contain an occupied residence or occupied onsite employee housing while the buffer zone is in effect.

- The adjoining property does not contain a school, convalescent home, or hospital.

EMPLOYEE TRAINING: Employees who assist with the application are considered handlers and are required to be trained. They must sign training records prior to the first application. Employees are considered handlers if they do any of the following activities:

- Operate application equipment
- Cover the tarpaulin at the end of the rows (shoveling)
- Observe the overall application
- Check the tarpaulin placement
- Cut the tarpaulin
- Remove the tarpaulin

The employer must provide the employee access to the written training program and the written training record if requested. Employees who cover the tarpaulin at the end of the rows (shoveling) are allowed to work only at the ends of the application rows.

WORK HOUR LIMITATIONS: There is a limit to how many hours an employee can assist with the application as a shoveler during a 24-hour period. The Pest Control Business responsible for the application will calculate the number of hours the employee can work, and put these work limitations on the work order.

EMPLOYEE HANDLING RECORDS: The employer must maintain records for all employees involved in the application, tarpaulin cutting, tarpaulin repair, and tarp removal activities. This record must identify the person, the work activity(ies), date(s), number of hours of handling, EPA registration number, and brand name of the methyl bromide product. The employer must maintain these records at a central location for two years.

RECORDS: The Pest Control Business must furnish the grower with a copy of the label, Material Safety Data Sheets (MSDS) for both Methyl Bromide and Chloropicrin, a written recommendation prior to the application, and an oral or written notice of completion within 24 hours of completion of the application. The grower must keep the label, MSDS, recommendation, and a record of the notice of completion at a central location at the workplace accessible to employees.

TARP REPAIR: The worksite plan must include a "tarpaulin repair response plan". The tarp is considered "application equipment" and must be kept in good repair until the restricted entry interval has expired. The Pest Control Business will be responsible for tarp repairs during the injection period. After the Pest Control Business has finished the application and left the field, the permittee is responsible for making decisions about repairs to the tarp. If the tarp is damaged, the permittee must decide whether or not to repair the damage. Before the damage can be repaired, the concentration of methyl bromide in the damaged area must be tested using a testing device specified by the label. The

testing must be done by a certified commercial or private applicator wearing an SCBA. All repair work areas must test less than 5 parts per million methyl bromide before anyone without an SCBA is allowed to enter and conduct tarpaulin repair. When repairing a tarp, an employee is limited to one work hour in a 24-hour period. The plan for repairing the tarp must be included in the worksite plan.

TARP CUTTING AND REMOVAL: Tarpaulin cutting and removal must be discontinued if the presence of gas is readily evident (onset of eye irritation or odor). Tarpaulins used for broadcast fumigations must be cut using only mechanical methods (all-terrain vehicle or a tractor with a cutting wheel). Each tarpaulin panel used for broadcast fumigations must be cut lengthwise. At least two trained employees must be present during removal of the tarpaulins. The plan for cutting the tarp must be on the worksite plan.

WARNING SIGNS: Signs must be posted around the treated field at the start of the fumigation, and remain in place until aeration is complete. The warning signs must be sturdy enough to last the entire restricted entry interval. They must be removed after the restricted entry interval has elapsed and prior to allowing workers to enter the fumigated site.